



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.
County Counsel

July 16, 2008

TELEPHONE
(213) 974-1838
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901
E-MAIL
Jkrattli@counsel.lacounty.gov

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Robin Guerrero
Deputy Executive Officer
Board Operations

FROM: JOHN F. KRATTLI
Senior Assistant County Counsel

RE: **Lucy Logan v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 361 641

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation in the above-referenced matter.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisors' agenda for July 29, 2008.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Lucy Logan v. County of Los Angeles, Los Angeles Superior Court Case No. BC 361 641, in the amount of \$850,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff Department's budget.

This wrongful death lawsuit concerns allegations of excessive force by Sheriff's Deputies during a vehicle pursuit and attempted apprehension.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Lucy Logan v. County
CASE NUMBER	BC 361641
COURT	Los Angeles Superior Court Central
DATE FILED	November 8, 2006
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$850,000
ATTORNEY FOR PLAINTIFF	Gregory Yates and Ellen Ellison
COUNTY COUNSEL ATTORNEY	Dennis M. Gonzales
NATURE OF CASE	Ms. Logan's son, Carl Williams, refused to stop for Deputies who had attempted to pull him over for a traffic violation. Mr. Williams led Deputies on a pursuit that ended when Mr. Williams and a Sheriff's patrol unit collided. Deputies shot and killed Mr. Williams as they believed he tried to run over a Deputy after the initial collision. Ms. Logan contends that the initial collision was the fault of the Deputy and that Mr. Williams did not try to run over anyone. She also contends that the amount of shots fired was excessive.

Further, accident reconstruction experts disagreed as to whether or not the physical evidence of the collisions at the scene was consistent with the Deputies' reports of the incident.

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$850,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$174,996
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PAID COSTS, TO DATE	\$68,565
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Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<p><u>Lucy Logan v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2008-007)</p> <p>Tuesday, June 13, 2006; 11:16 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Tuesday, June 13, 2006, at approximately 11:16 p.m., two uniformed Los Angeles County deputy sheriffs, driving a standard black and white patrol vehicle, were patrolling an unincorporated area of Los Angeles County when they observed a vehicle being driven recklessly. The deputies, believing the driver was operating the vehicle under the influence of an alcoholic beverage, attempted to stop the vehicle. The driver, however, refused to stop and a vehicle pursuit ensued.</p> <p>At the termination of the vehicle pursuit, deputies from the Los Angeles County Sheriff's Department discharged their weapons, striking the suspect.</p> <p>The driver sustained several gunshot wounds. He was transported to a local hospital where he was pronounced dead.</p>

1. Briefly describe the root cause of the claim/lawsuit:

In defense of their lives, Los Angeles County deputy sheriffs discharged their duty weapons, striking and killing the driver of a motor vehicle.

The subsequent lawsuit alleges deprivation of federal and state civil rights, wrongful death, false arrest, brutality, assault and battery, conspiracy to obstruct justice, and conspiracy to deprive civil rights.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The driver was uncooperative and refused to yield to the deputies' lawful authority. With the driver attempting to run over the deputy sheriffs and ramming his vehicle into their marked patrol vehicle numerous times, the deputies, in defense of their lives, discharged their duty weapons, striking the driver.

The facts of this incident are disputed by the plaintiff's counsel. After his review of the collection

County of Los Angeles
Summary Corrective Action Plan

methods of the physical evidence and a review of the photographs of the scene, the plaintiff's counsel concluded that available evidence does not support the deputies' version of the incident.

While an investigator retained by the County of Los Angeles opined that the evidence collection method(s) were flawed, he concluded that the fleeing driver did back up into one of the patrol vehicles on at least one occasion.

The Los Angeles County Sheriff's Department's administrative review revealed no employee misconduct on the part of Department personnel.

During the review, a decision was made to evaluate existing protocols which require representatives from the Los Angeles County Sheriff's Department's Traffic Services Detail to subordinate their investigative responsibilities to representatives of the Department's Homicide Bureau.

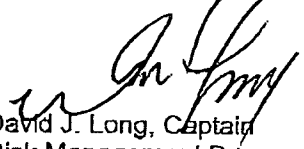

A full and final settlement at this time will avoid further litigation costs and a potential jury verdict which may exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$850,000.

This summary corrective action plan has no countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 6-9-08
Signature: (Department Head)  Paul K. Tanaka Assistant Sheriff	Date: 6-11-08

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
RISK MANAGEMENT BUREAU

CORRECTIVE ACTION REPORT

Corrective Action Plan (CAP) Number: 2008-007CR

Lawsuit:

Name: Lucy Logan v. County of Los Angeles, et al.
Case/Docket Number: (Los Angeles Superior Court Case No. BC 361641)

Investigator: Christopher M. Deacon, Deputy
Risk Management Bureau
Leadership and Training Division

Incident:

Date/Time: Tuesday, June 13, 2006; 11:16 p.m.

Location: 1201 East 96th Street
Los Angeles
(Unincorporated Los Angeles County)

Station, Bureau, or Facility: Century Station
(Field Operations Region II)

Risk Issues:

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

Investigative Summary:

On Tuesday, June 13, 2006, at approximately 11:16 p.m., two uniformed Los Angeles County deputy sheriffs, driving a standard black and white patrol vehicle, were patrolling an unincorporated area of Los Angeles County when they observed a vehicle being driven recklessly. The deputies, believing the driver was operating the vehicle under the influence of an alcoholic beverage, attempted to stop the vehicle. The driver, however, refused to stop and a vehicle pursuit ensued.¹

¹ The driver (decedent), Carl Williams, was the sole occupant of the vehicle.

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The pursuit proceeded west on 99th Street before the driver of the vehicle drove northbound through an alley east of Central Avenue. The driver intentionally collided with a stationary patrol vehicle occupied by two Los Angeles County deputy sheriffs. The driver's vehicle careened off the deputies' vehicle and hit a parked civilian vehicle.

The driver then placed his vehicle into reverse and drove directly toward the deputy sheriffs who by now had exited their vehicle. One of the deputy sheriffs, in an attempt to avoid being struck by the vehicle, jumped back into his patrol car. Both deputy sheriffs, fearing for their lives, discharged their duty weapons at the driver's vehicle. The driver then drove forward, stopped, and again placed his car in reverse. He drove in reverse toward the deputies, striking their vehicle a second time.

Fearing for their lives, deputy sheriffs discharged their duty weapons, striking the suspect.

The driver sustained several gunshot wounds. He was transported to a local hospital where he was pronounced dead.

Damages:

The lawsuit alleges deprivation of federal and state civil rights, wrongful death, false arrest, brutality, assault and battery, conspiracy to obstruct justice, and conspiracy to deprive civil rights.

Evaluation:

This is a case of disputed liability.

The driver was uncooperative and refused to yield to the deputies' lawful authority. With the driver attempting to run over the deputy sheriffs and ramming his vehicle into their marked patrol vehicle numerous times, the deputies, in defense of their lives, discharged their duty weapons, striking the driver.

The facts of this incident are disputed by the plaintiff's counsel. After his review of the collection methods of the physical evidence and a review of the photographs of the scene, the plaintiff's counsel concluded that available evidence does not support the deputies' version of the incident.

While an investigator retained by the County of Los Angeles opined that the evidence collection method(s) were flawed, he concluded that the fleeing driver did back up into one of the patrol cars on at least one occasion.

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A full and final settlement at this time will avoid further litigation costs and a potential jury verdict which *may* exceed the recommended settlement amount.

Administrative Review:

Was a formal Risk Management Bureau (RMB) Critical Incident Analysis (CIA) conducted?	Yes
Was a formal administrative review initiated?	Yes
If yes, was appropriate administrative action taken?	No ²
Was the employee's driving history analyzed during the administrative review?	N/A

Policy Issues:

The Los Angeles County Sheriff's Department had adequate policies and procedures in effect at the time of the incident.

Training/Curriculum Issues:

The Los Angeles County Sheriff's Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

Corrective Action:

The Los Angeles County Sheriff's Department's administrative review revealed no employee misconduct on the part of the Department personnel.

During the review, a decision was made to evaluate existing protocols which currently require representatives from the Los Angeles County Sheriff's Department's Traffic Services Detail to subordinate their investigative responsibilities to representatives of the Department's Homicide Bureau.

² This incident was thoroughly investigated by representatives of the Los Angeles County District Attorney's Office. In addition, the incident was thoroughly investigated by representatives of the Los Angeles County Sheriff's Department, including the Homicide Bureau, the Internal Affairs Bureau, and the Executive Force Review Committee. They concluded that no violation of established policy occurred.


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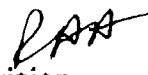
Will a formal Risk Management Bureau audit be required? Yes
If yes, what is the date the audit will be performed? January, 2009
Name of person/unit performing audit? Sergeant Robert J. Taliento
Does this corrective action plan require notification to, or the assistance from, other County Departments? No
If yes, what is the name, title, and organization of the person contacted? N/A
How/when was the person contacted? N/A

Settlement Amount: \$850,000.00

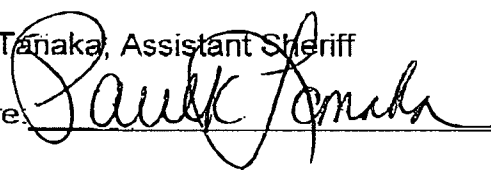
Prepared: Patrick Hunter, Lieutenant 
Risk Management Bureau

Submitted: David J. Long, Captain 
Risk Management Bureau

Reviewed: Eric B. Smith, Commander 
Leadership and Training Division

Approved: Roberta A. Abner, Chief 
Leadership and Training Division

Authorized: Paul K. Tanaka, Assistant Sheriff

Signature: 

Date: 6/11/08